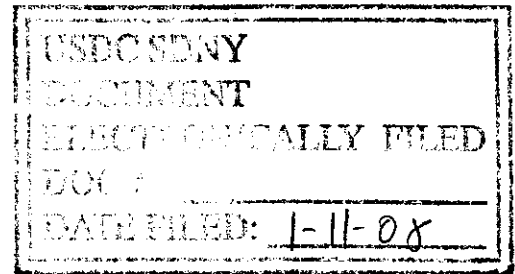




THE CITY OF NEW YORK
LAW DEPARTMENT
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MICHAEL A. CARDOZO
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January 10, 2008

BY FACSIMILE

Honorable Henry B. Pitman
United States Magistrate Judge
500 Pearl Street.
New York, New York 10007
Fax: 212-805-6111

Re: Todd Bailey v. C.O. Edwin Sloly #11678 et al., 07 CV 9469 (LAP) (HBP)

Your Honor:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action, I write to respectfully request that defendants Edwin Sloly, Andoure Grant, Joanne Matos, Stevens and Diaz's time to answer or otherwise respond to the amended complaint in this action be enlarged sixty (60) days from December 27, 2007 to and including February 25, 2008. *Pro se* plaintiff, Andre Fuller, is currently incarcerated and therefore, I am unable to reach him in order to obtain his consent. However, I have no reason to believe that he would object to this request for an initial enlargement of time.

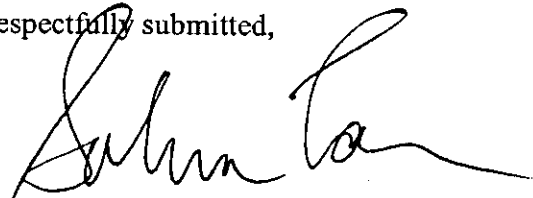
As an initial matter, I apologize to the Court and plaintiff for this late request, however, it appears from the docket sheet that the above referenced individuals were served on or about December 7, 2007 but the affidavits of service and summons of the complaint were not filed until December 21, 2007 and this Office only received notice of the purported service until checking the docket sheet this afternoon. As background, the amended complaint alleges, *inter alia*, that on December 11, 12 and 13, 2007, while incarcerated at Rikers Island, New York City Department of Correction Officers Sloly, Matos, Stevens, Captain Grant and Deputy Diaz failed to protect plaintiff from a physical assault by other inmates and subsequently, was deliberately indifferent to plaintiff's medical needs in violation of his federal civil rights. As stated previously, a check of the docket sheet indicates that the above-referenced individuals were served with a copy of the summons and complaint by the U.S. Marshall's on or about December 7, 2007 and accordingly, their answer was due on December 27, 2007.

This Office has not discussed with defendants the manner of service, and we make no representation herein as to the adequacy of process on defendants Edwin Sloly, Andoure Grant, Joanne Matos, Stevens and Diaz. Although this office does not currently represent defendants and assuming they were properly served, this office respectfully requests this enlargement of time on their behalf in order that their defenses are not jeopardized while representational issues are being decided. As Your Honor may be aware, pursuant to Section 50-K of the New York General Municipal Law, the Corporation Counsel's office makes its decision to represent based on a review of the facts of the case. Our investigation includes conducting a representational interview. The requested enlargement of time will allow this Office to conduct the mandatory representation interviews and as a result, complete its representational investigation.

No previous request for an enlargement of time has been made. Accordingly, defendant this Office respectfully requests that defendants Edwin Sloly, Andoure Grant, Joanne Matos, Stevens and Diaz time to answer or otherwise respond to the complaint be enlarged sixty (60) days from December 27, 2008 to and including February 25, 2008.

I thank Your Honor for considering the within request.

Respectfully submitted,



Sabrina Tann (ST 2552)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Mr. Todd Bailey (#349-06-22935)
Pro Se Plaintiff
OBCC/CPSU
1600 Hazen Street, #3 South, #4 Cell
East Elmhurst, New York 11370
(By First Class Mail)

APPLICATION DENIED

COUNSEL HAS NO STANDING
TO SEEK RELIEF ON
BEHALF OF PARTIES ~~TH~~
SHE DOES NOT REPRESENT

SO ORDERED



HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE

1-11-08